

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PATRICK J. HAWTHORNE, JR.,

Plaintiff,

v.

DEONTAY KAZEE, et al.

Defendants.

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ORDER

Case No. 21-cv-574-wmc

On September 24, 2021, I entered an order assessing plaintiff Patrick J. Hawthorne \$97.83 as an initial partial payment of the \$350.00 fee for filing this case. Dkt. 5. Now plaintiff has filed a letter, which I will construe as a motion to waive the \$97.83 initial partial payment. Dkt. 8. After re-evaluating plaintiff's inmate account statement (dkt. 4) and the information plaintiff provided in his motion, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, the court will grant plaintiff's motion for leave to proceed without prepayment of the filing fee but will not assess an initial partial filing fee. Even if this court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915(b)(2).

Because plaintiff is an inmate, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff Patrick J. Hawthorne to waive the initial partial filing fee is GRANTED.

2. No further action will be taken in this case until the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 13<sup>th</sup> day of October, 2021.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge